

**GOVERNMENT OF ANDHRA PRADESH**  
**ABSTRACT**

A.P. State Disaster Response and Fire Services Department – Appeal Petition filed by Sri C.Bhaskara Reddy, formerly Fireman, Fire Station, Piler, and presently Fireman, Fire Station, Tirupathi – Allowed – Penalty of Censure set-aside and the period of suspension from 05-09-1996 to 13-03-2000 treated as “On Duty” – Orders – Issued.

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**HOME (PRISONS.A) DEPARTMENT**

**G.O.RT.NO. 1595**

**DATED:13-09-2010.**

**Read the following:-**

1. From the Divisional Fire Officer, Y.S.R.District, Proc. Rc. No. 2938/A1/96, dated 04-09-1996.
2. From the Principal Assistant Sessions Judge, Tirupathi, Judgment, dated 17-03-1998 in Session Case No.226 of 1997 (C.R.No.185/96).
3. From the Special Judicial Magistrate of 1<sup>st</sup> Class for Excise, Chittoor, Judgment, dated 02-11-1999 in C.C.No.219/98.
4. From the Divisional Fire Officer, Y.S.R.District, Proc. Rc. No. 2938/A1/96-1, dated 08-03-2000.
5. From the Divisional Fire Officer, Y.S.R.District, Proc. Rc. No. 2938/A1/96, dated 24-03-2000
6. From the Director General, A.P.State Disaster Response and Fire Services, A.P., Hyderabad, Proc. No.5583/E2/98, dated 04-10-2000.
7. From the Regional Fire Officer, Southern Region, Anantapur, Memo No.2555/A1/1996, dated 27-09-2001.
8. From the A.P.Administrative Tribunal, Hyderabad, Judgment, dated 11-02-2002 in O.A.No.9889/2001.
9. From the Director General, A.P.State Disaster Response and Fire Services, A.P., Hyderabad, Proc. No.268/E2/2002, dated 04-07-2005.
- 10.From Sri C.Bhaskara Reddy, formerly Fireman, Fire Station, Piler, and presently Fireman, Fire Station, Tirupathi, Appeal Petition, dated 15-04-2006.
- 11.From the Director General, A.P.State Disaster Response and Fire Services, A.P., Hyderabad, Letter No.268/E2/2002, dated 19-08-2006, 04-03-2009 and 14-07-2010.

**ORDER:**

Sri C.Bhaskar Reddy, Fireman while working at Piler Fire Station was placed under suspension by the Divisional Fire Officer, Y.S.R.District, vide Proceedings first read above, in connection with his involvement in two Criminal Cases i.e. Crime No.539/95-96 under Section 8(b) of the A.P. Prohibition Act and also in another case in Crime No.185/1996 U/s 354, 324 and 376 of I.P.C.

P.T.O.

2. The Principal Assistant Sessions Judge, Tirupathi, vide Judgment, dated 17-03-1998 in Session Case No. 226 of 1997 (C.R.No.185/96) has acquitted the Charged Officers observing that the prosecution failed to bring home the guilt of the accused beyond all reasonable doubt for the offences with which they were charged. In another case, the Special Judicial Magistrate of 1<sup>st</sup> Class for Excise, Chittoor, in its Judgment, dated 02-11-1999, Cr.No.PR/539/95-96, has acquitted the individual observing that the prosecution miserably failed to prove the guilt of the accused and the benefit of doubt given to the accused as of right. Hence, the Hon'ble Court have found that the accused is not guilty for the offences punishable and acquitted the accused U/s 248 (1) Cr.P.C. and 325 (i) Cr.P.C.

3. The Divisional Fire Officer, Y.S.R.District, has initiated disciplinary action against the individual for involving in the Criminal case in Crime No.185/96 U/s 254 and 376 of IPC and awarded the punishment of 'Warning' vide Proc. Rc.No. 2938/S/96-1, dated 08-03-2000. The Divisional Fire Officer, Y.S.R.District, has also initiated departmental disciplinary action against the individual for involving in the Criminal Case No.219/98 on 09-06-1996 and awarded the punishment of "Censure" and the entire period of suspension from 05-09-1996 to 13-03-2000 has been treated as "Not Duty" vide Proc. Rc.No.2938/S/96, dated 24-03-2000 by the Divisional Fire Officer, Y.S.R.District.

4. Aggrieved by the above orders, the individual has filed an Appeal Petition to the Regional Fire Officer, Southern Region, Anantapur to treat the period of suspension as on duty. The Regional Fire Officer, Southern Region, Anantapur, vide Proc. No.347/A1/1994, dated 18-04-2000, has disposed of the Appeal Petition of the individual and ordered that the period of suspension from 05-09-1996 to 13-03-2000 be treated as duty under FR.54 and 54-B and ordered that full pay and allowances be paid to the individual treating the suspension period as duty excluding the subsistence allowances paid to him during the above suspension period.

5. Subsequently, the Director General, A.P.State Disaster Response and Fire Services, Hyderabad, vide Proceedings Rc.No.5583/E2/98, dated 04-10-2000 has issued orders cancelling the orders issued by the Regional Fire Officer, Southern Region, Anantapur. Accordingly the Regional Fire Officer, Anantapur vide Memo No.2555/A1/1996, dated 27-09-2001 directed the Divisional Fire Officer, Y.S.R.District to treat the suspension period as "Not Duty" and to recover the Subsistence Allowance paid to the individual in 36 equal monthly installments.

6. Aggrieved by the above said order, Sri C.Bhaskar Reddy, Fireman of Peeler Fire Station has filed O.A.No.9889/2001 in the A.P. Administrative Tribunal, Hyderabad, praying to set-aside the orders issued by Director General, A.P.State Disaster Response and Fire Services, Hyderabad, vide Proceedings Rc.No.5583/E2/98, dated 04-10-2000. The A.P.Administrative Tribunal, Hyderabad, in its Judgment, dated 11-02-2002 has allowed the O.A.No.9889/2001, and the orders issued by the Director General, A.P.State Disaster Response and Fire Services, A.P., Hyderabad, vide Proc. No.5583/E2/98, dated 04-10-2000, have been quashed. However, the Tribunal has also observed that this order does not preclude the 1<sup>st</sup> respondent to take such action as deems fit in accordance with rules

7. The Director General, A.P.State Disaster Response and Fire Services, A.P., Hyderabad, after examining the representation of the individual issued orders vide Proceedings Rc.No.268/E2/2002, dated 06-08-2002 and agreed with the findings of Divisional Fire Officer, Y.S.R.District and confirmed the punishment awarded.

8. Aggrieved by the above order, the individual has filed an Appeal Petition, dated 09-06-2005 requesting the Director General, A.P.State Disaster Response and Fire Services, Hyderabad, for stoppage of recovery of Subsistence Allowance and the Director General, A.P.State Disaster Response and Fire Services, Hyderabad, vide Proceedings No.268/E2/2002, dated 04-07-2005 has issued orders rejecting the appeal of the individual.

9. Aggrieved by the above orders issued by the Director General, A.P.State Disaster Response and Fire Services, Hyderabad, vide Proceedings Rc No 268/E2/2002, dated 04-07-2005, Sri C.Bhaskara Reddy, formerly Fireman, Fire Station, Piler, and presently Fireman, Fire Station, Tirupathi, has filed an Appeal Petition before the Government stating that he was paid Subsistence Allowance during the period of suspension for his lively hood to maintain his family, and the charges leveled against him were not proved and he was acquitted from two criminal cases by the concerned Judicial Authorities. He has also stated that he was drawing the pay of Rs.1,875/- per month as on August, 2002, and it was ordered to recover the Subsistence Allowance @ Rs.1,975/- per instalment which is more than his basic pay, and it is very difficult for him to maintain his family with a net salary of Rs.369/-

10. Sri C.Bhaskara Reddy, formerly Fireman, Fire Station, Piler, and presently Fireman, Fire Station, Tirupathi, has also stated that his son has under gone cardiology operation for the replacement of 2 valves and he has to met the medical expenses of his son for further medical treatment, and he is not able to maintain the family and the medical expenditure of his son with a meager amount of salary he received. Hence, he has requested the Government to set-aside the orders issued by the Divisional Fire Officer, Y.S.R.District, vide Proc. No.2938/S/96-1, dated 08-03-2000, and Proc. No.2938/S/96, dated 24-03-2000, and also the orders issued by the Director General, A.P.State Disaster Response and Fire Services, Hyderabad, vide Proceedings Rc No 268/E2/2002, dated 06-08-2002 and 04-07-2005, and also to treat the suspension period from 05-09-1996 to 13-03-2000, as "On Duty", as the two cases filed against him have been acquitted by the Hon'ble Courts..

11. The Government after examining the case in detail, and on perusal of the records made available, it is observed that the individual was placed under suspension in connection with his involvement in the Criminal Case under A.P.Prohibition Act, w.e.f. 05-09-1996. In this case, the individual was acquitted by the Hon'ble Court on 02-11-1999, extending the benefit of doubt as the Prosecution miserably failed to prove the guilt of the accused. The Departmental Proceedings in this case were ended with the penalty of "Censure". He was also involved in another Criminal Case U/s 354, 324 and 376 IPC, which was ended in clean acquittal on 17-03-1998. The Departmental Proceedings in this case were concluded with a "Warning", which is not a penalty under A.P.Civil Services (CCA) Rules, 1991. Since, the individual was acquitted in both the cases, it has been decided to set-aside the penalty of "Censure" and to treat the period of suspension as "On Duty".

12. Accordingly, the Government hereby set aside the penalty of "Censure" imposed by the Divisional Fire Officer, Y.S.R.District, vide Proc. No.2938/S/96, dated 24-03-2000, and as confirmed by the Director General, A.P.State Disaster Response and Fire Services, Hyderabad, vide Proceedings Rc No 268/E2/2002, dated 06-08-2002 and to treat the period of suspension from 05-09-1996 to 13-03-2000, as "On Duty", since the individual was acquitted in both the cases.

P.T.O.

13. The Service Register of Sri C.Bhaskara Reddy, Fireman, Fire Station, Tirupathi, (2 Volumes) and also the original records bearing File No.268/E2/2006, containing pp.1 – 420 c.f., received from the Director General, A.P.State Disaster Response and Fire Services, A.P., Hyderabad, vide letter, dated 04-03-2009, are returned herewith. She is requested to acknowledge the receipt of the same.

14. The Director General, A.P.State Disaster Response and Fire Services, A.P., Hyderabad, is requested to take further necessary action accordingly, and furnish the action taken report to Government, at an early date.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**AJAY MISRA,  
PRINCIPAL SECRETARY TO GOVERNMENT**

To

The Director General, A.P. State Disaster Response and  
Fire Services, Hyderabad. (along with original records and S.R)

**Copy to:**

Sri C.Bhaskara Reddy, formerly Fireman, Fire Station, Piler, and  
presently Fireman, Fire Station, Tirupathi,  
**through** the Director General, A.P. State Disaster Response  
and Fire Services, Hyderabad.

The Accountant General (A&E), A.P., Hyderabad.

The Director of Treasuries & Accounts, A.P., Hyderabad.

The District Treasury Officer, Chittoor.

The Regional Fire Officer, Southern Region, Hyderabad.

The District Fire Officer, Chittoor.

SF/SC

**//FORWARDED::BY ORDER//**

**SECTION OFFICER**